

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERLENE DAYAN and ESTATE OF  
RAYMOND DAYAN,

Plaintiffs,

- against -

LEONORA SUTTON a/k/a LENORA SUTTON,  
ESTATE OF MAYER SUTTON, ISAAC  
SUTTON, ALBERT SUTTON, MORRIS  
SUTTON, ELIAS SUTTON a/k/a ELLIOT  
SUTTON, MIDDLEGATE SECURITIES LTD.  
and ABC Co., Inc. 1-10,

Defendants,

Case No. 20-CV-9563 (AKH)

**DECLARATION OF JASON LIBOU, ESQ. IN SUPPORT OF  
DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED  
COMPLAINT**

I, Jason Libou, declare the following under penalty of perjury under the laws of the  
United States:

1. I am a senior associate at the law firm of Wachtel Missry LLP, counsel to  
defendants Albert Sutton, Elias Sutton a/k/a Elliot Sutton, and Middlegate Securities LTD  
(collectively, the "Middlegate Defendants"). I submit this declaration in support of the Middlegate  
Defendants' motion for an order dismissing, in the entirety, the Plaintiffs' First Amended  
Complaint in this action with prejudice against Defendants pursuant to Rule 12(b)(6) of the Federal  
Rules of Civil Procedure.

2. The purpose of this declaration is to put before the Court true and correct copies of  
certain documents referred to in the Middlegate Defendants' motion papers.

3. Annexed hereto as **Exhibit A** is a true and correct copy of Plaintiffs' First Amended  
Complaint.

Dated: New York, New York  
April 29, 2021

*Jason L. Libou*  
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JASON LIBOU